



Agenda Item Number: \_\_\_\_\_

## BERNALILLO COUNTY BOARD OF COUNTY COMMISSIONERS

Meeting Date: March 29, 2004

Department: Zoning, Building and Planning Staff Contact: Catherine VerEecke, Program Planner

**TITLE:** APPEAL: Special Use Permit for a Cemetery (CSU-40004/CO-40007)

### COUNTY PLANNING COMMISSION RECOMMENDATION:

Denial

### SUMMARY:

At the February 2, 2005 public hearing, the County Planning Commission (CPC) voted (7-0) to recommend denial of the request for a Special Use Permit for a Cemetery on Tracts 1, 2, A-1 & A-2, Lands of Chapman, located at 6903 & 6813 Edith Boulevard NE, on the west side of Edith Boulevard approximately .25 miles north of Osuna Road NE, zoned A-1 and R-1 (a portion of Tract 1 is zoned A-1 with a Special Use Permit for a Hospital), containing approximately 17.13 acres. The decision was based on seven (7) Findings (Attachment 1).

During the February 2, 2005 hearing, the CPC considered the request for a cemetery, which would also include a cemetery, an office, and a watchman caretaker's residence. The CPC concluded that the request is inappropriate for the site and the adjacent residential neighborhood for the following reasons: 1) the request conflicts with North Valley Area Plan policies that state that existing residentially-zoned properties should retain their residential zoning and uses; 2) the proposed uses, which are commercial in nature, could destabilize the zoning in what is a predominantly residential neighborhood along Edith Blvd.; and 3) the request fails to meet the criteria of Resolution 116-86 as the site could be developed with residential uses under the existing A-1 zoning. In addition, a number of issues with the site development plan had not been addressed, including access, safety, water rights and irrigation, and buffering of the lateral that bisects the property. Neighbors from nearby and adjacent to the subject property and from the Northeast Valley Neighborhood Association spoke in opposition to the request. These representatives, as well as the Alameda North Valley Association, submitted materials in opposition to the request (Attachment 2, pages 43-51; 68-88; 93-106).

The applicant is now appealing the CPC recommendation. In the appeal justification (Attachment 3, p.107), the applicant states that: 1) he feels that the denial of the request will destabilize the land uses in the area and that a Special Use Permit for the life of the land will assist in decreasing the amount of transient traffic on the property; and 2) traffic generated by the business will be minimal with only periodic processions.

The Northeast Valley Neighborhood Association has submitted a response to the appeal request, which states that "Cemetery" is not an appropriate use for the subject site (Attachment 4, p. 121).

## **Criteria for Evaluating Zone Map Changes and Special Use Permit Applications**

Resolution 116-86 (see Attachment 5) states that the applicant must demonstrate that the existing zoning is inappropriate because:

1. there was an error when the existing zone map was created; or
2. changed neighborhood or community conditions justifies a land use change; or
3. a different land use category is more advantageous to the community, as articulated in the Comprehensive Plan or other County Master Plan, the even though (1) and (2) above do not apply.

### **ATTACHMENTS:**

### **PAGE**

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| 1. County Planning Commission Notice of Decision Letter (February 4, 2005). | 3   |
| 2. County Planning Commission Information Packet.                           | 5   |
| 3. Appeal application and justification.                                    | 107 |
| 4. Neighborhood Association response to appeal.                             | 121 |
| 5. Resolution 116-86.   | 123 |
| 6. Site Plan (Commissioners Only).  |     |

## **STAFF ANALYSIS SUMMARY**

### **ZONING, BUILDING & PLANNING DEPARTMENT:**

Staff Recommends Denial of Appeal.